



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0330

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8
10 ILCS 5/19-2.1 rep.	

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision. Effective immediately.

LRB100 04210 MLM 14216 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,
6 20-3, 20-5, and 20-8 and by adding Sections 19-4.5 and 20-4.5
7 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6
10 months and in the precinct 30 days next preceding any primary
11 therein who shall be a citizen of the United States of the age
12 of 18 or more years shall be entitled to vote at such primary.

13 The following regulations shall be applicable to
14 primaries:

15 ~~No person shall be entitled to vote at a primary:~~

16 ~~(a) Unless he declares his party affiliations as~~
17 ~~required by this Article.~~

18 ~~(b) (Blank).~~

19 ~~(c) (Blank).~~

20 ~~(c.5) If that person has participated in the town~~
21 ~~political party caucus, under Section 45-50 of the~~
22 ~~Township Code, of another political party by signing an~~
23 ~~affidavit of voters attending the caucus within 45 days~~

1 ~~before the first day of the calendar month in which the~~
2 ~~primary is held.~~

3 ~~(d) (Blank).~~

4 In cities, villages and incorporated towns having a
5 board of election commissioners only voters registered as
6 provided by Article 6 of this Act shall be entitled to vote
7 at such primary.

8 No person shall be entitled to vote at a primary unless
9 he is registered under the provisions of Articles 4, 5 or 6
10 of this Act, when his registration is required by any of
11 said Articles to entitle him to vote at the election with
12 reference to which the primary is held.

13 A person (i) who filed a statement of candidacy for a
14 partisan office as a qualified primary voter of an established
15 political party or (ii) who voted the ballot of an established
16 political party at a general primary election may not file a
17 statement of candidacy as a candidate of a different
18 established political party or as an independent candidate for
19 a partisan office to be filled at the general election
20 immediately following the general primary for which the person
21 filed the statement or voted the ballot. A person may file a
22 statement of candidacy for a partisan office as a qualified
23 primary voter of an established political party regardless of
24 any prior filing of candidacy for a partisan office or voting
25 the ballot of an established political party at any prior
26 election.

1 (Source: P.A. 97-681, eff. 3-30-12; 98-463, eff. 8-16-13.)

2 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

3 Sec. 7-44. Voter choice of primary ballot.

4 (a) Any person desiring to vote at a primary shall state
5 his or her name and~~7~~ residence ~~and party affiliation~~ to the
6 primary judges, one of whom shall thereupon announce the same
7 in a distinct tone of voice, sufficiently loud to be heard by
8 all persons in the polling place. When article 4, 5 or 6 is
9 applicable the Certificate of Registered Voter therein
10 prescribed shall be made and signed and the official poll
11 record shall be made. If the person desiring to vote is not
12 challenged, one of the primary judges shall give to him or her
13 ~~one, and only one,~~ primary ballot of each of the established
14 political parties nominating candidates for office at the
15 primary election, but the voter may cast a ballot of only one
16 political party, except as otherwise provided in subsection (b)
17 ~~party with which he declares himself affiliated,~~ on the back of
18 which the ~~such~~ primary judge shall endorse his or her initials
19 in such manner that they may be seen when the primary ballot is
20 properly folded. If the person desiring to vote is challenged
21 he or she shall not receive a primary ballot from the primary
22 judges until he or she shall have established his or her right
23 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
24 ~~refuses to state his party affiliation shall be allowed to vote~~
25 ~~at a primary.~~

1 **(b)** A person who casts a ballot of ~~declares his party~~
2 ~~affiliation with~~ a statewide established political party ~~and~~
3 ~~requests a primary ballot of such party may nonetheless also~~
4 ~~declare his affiliation with a political party established only~~
5 ~~within a political subdivision, and~~ may also vote in the
6 primary of a ~~such~~ local political party established only within
7 a political subdivision on the same election day, provided that
8 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
9 respect to offices of the same political subdivision. However,
10 no person casting a ballot of ~~declaring his affiliation with~~ a
11 statewide established political party may vote in the primary
12 of any other statewide political party on the same election
13 day. Each party's primary ballot shall include a space for the
14 voter to mark, indicating that political party as the party for
15 which the voter cast his or her votes. The voter may mark the
16 space on the ballot of only one political party indicating that
17 party, except as otherwise provided in this Section. If the
18 voter desires to cast his or her ballot of a statewide
19 political party and a political party established only within a
20 political subdivision, the voter may indicate that choice by
21 marking the space provided on the ballot of the statewide
22 political party and by also marking the space provided on the
23 ballot of the political party established only within a
24 political subdivision. If the voter does not mark the space on
25 the primary ballot indicating the political party in which the
26 voter cast his or her ballot, or marks more than one such

1 space, the judges of election shall count only the votes of the
2 political party in which the voter cast a vote for the office
3 nearest the top of the ballot.

4 (Source: P.A. 81-1535.)

5 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

6 Sec. 19-3. The application for vote by mail ballot shall be
7 substantially in the following form:

8 APPLICATION FOR VOTE BY MAIL BALLOT

9 To be voted at the election in the County of and
10 State of Illinois, in the precinct of the (1) *township of
11 (2) *City of or (3) *.... ward in the City of

12 I state that I am a resident of the precinct of the
13 (1) *township of (2) *City of or (3) *.... ward in
14 the city of residing at in such city or town in the
15 county of and State of Illinois; that I have lived at such
16 address for month(s) last past; that I am lawfully
17 entitled to vote in such precinct at the election to be
18 held therein on; and that I wish to vote by vote by mail
19 ballot.

20 I hereby make application for an official ballot or ballots
21 to be voted by me at such election, and I agree that I shall
22 return such ballot or ballots to the official issuing the same
23 prior to the closing of the polls on the date of the election
24 or, if returned by mail, postmarked no later than election day,
25 for counting no later than during the period for counting

1 provisional ballots, the last day of which is the 14th day
2 following election day.

3 I understand that this application is made for an official
4 vote by mail ballot or ballots to be voted by me at the
5 election specified in this application and that I must submit a
6 separate application for an official vote by mail ballot or
7 ballots to be voted by me at any subsequent election.

8 Under penalties as provided by law pursuant to Section
9 29-10 of the Election Code, the undersigned certifies that the
10 statements set forth in this application are true and correct.

11

12 *fill in either (1), (2) or (3).

13 Post office address to which ballot is mailed:

14

15 ~~However, if application is made for a primary election~~
16 ~~ballot, such application shall require the applicant to~~
17 ~~designate the name of the political party with which the~~
18 ~~applicant is affiliated.~~

19 If application is made electronically, the applicant shall
20 mark the box associated with the above described statement
21 included as part of the online application certifying that the
22 statements set forth in this application are true and correct,
23 and a signature is not required.

24 Any person may produce, reproduce, distribute, or return to
25 an election authority the application for vote by mail ballot.
26 Upon receipt, the appropriate election authority shall accept

1 and promptly process any application for vote by mail ballot
2 submitted in a form substantially similar to that required by
3 this Section, including any substantially similar production
4 or reproduction generated by the applicant.

5 (Source: P.A. 98-115, eff. 7-29-13; 98-1171, eff. 6-1-15;
6 99-522, eff. 6-30-16.)

7 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

8 Sec. 19-4. Mailing or delivery of ballots; time.
9 Immediately upon the receipt of such application either by mail
10 or electronic means, not more than 90 days nor less than 5 days
11 prior to such election, or by personal delivery not more than
12 90 days nor less than one day prior to such election, at the
13 office of such election authority, it shall be the duty of such
14 election authority to examine the records to ascertain whether
15 or not such applicant is lawfully entitled to vote as
16 requested, including a verification of the applicant's
17 signature by comparison with the signature on the official
18 registration record card, and if found so to be entitled to
19 vote, to post within one business day thereafter the name,
20 street address, ward and precinct number or township and
21 district number, as the case may be, of such applicant given on
22 a list, the pages of which are to be numbered consecutively to
23 be kept by such election authority for such purpose in a
24 conspicuous, open and public place accessible to the public at
25 the entrance of the office of such election authority, and in

1 such a manner that such list may be viewed without necessity of
2 requesting permission therefor. Within one day after posting
3 the name and other information of an applicant for a vote by
4 mail ballot, the election authority shall transmit by
5 electronic means pursuant to a process established by the State
6 Board of Elections that name and other posted information to
7 the State Board of Elections, which shall maintain those names
8 and other information in an electronic format on its website,
9 arranged by county and accessible to State and local political
10 committees. Within 2 business days after posting a name and
11 other information on the list within its office, but no sooner
12 than 40 days before an election, the election authority shall
13 mail, postage prepaid, or deliver in person in such office an
14 official ballot or ballots if more than one are to be voted at
15 said election or if Section 19-4.5 applies. Mail delivery of
16 Temporarily Absent Student ballot applications pursuant to
17 Section 19-12.3 shall be by nonforwardable mail. However, for
18 the consolidated election, vote by mail ballots for certain
19 precincts may be delivered to applicants not less than 25 days
20 before the election if so much time is required to have
21 prepared and printed the ballots containing the names of
22 persons nominated for offices at the consolidated primary. The
23 election authority shall enclose with each vote by mail ballot
24 or application written instructions on how voting assistance
25 shall be provided pursuant to Section 17-14 and a document,
26 written and approved by the State Board of Elections, informing

1 the vote by mail voter of the required postage for returning
2 the application and ballot, and enumerating the circumstances
3 under which a person is authorized to vote by vote by mail
4 ballot pursuant to this Article; such document shall also
5 include a statement informing the applicant that if he or she
6 falsifies or is solicited by another to falsify his or her
7 eligibility to cast a vote by mail ballot, such applicant or
8 other is subject to penalties pursuant to Section 29-10 and
9 Section 29-20 of the Election Code. Each election authority
10 shall maintain a list of the name, street address, ward and
11 precinct, or township and district number, as the case may be,
12 of all applicants who have returned vote by mail ballots to
13 such authority, and the name of such vote by mail voter shall
14 be added to such list within one business day from receipt of
15 such ballot. If the vote by mail ballot envelope indicates that
16 the voter was assisted in casting the ballot, the name of the
17 person so assisting shall be included on the list. The list,
18 the pages of which are to be numbered consecutively, shall be
19 kept by each election authority in a conspicuous, open, and
20 public place accessible to the public at the entrance of the
21 office of the election authority and in a manner that the list
22 may be viewed without necessity of requesting permission for
23 viewing.

24 Each election authority shall maintain a list for each
25 election of the voters to whom it has issued vote by mail
26 ballots. The list shall be maintained for each precinct within

1 the jurisdiction of the election authority. Prior to the
2 opening of the polls on election day, the election authority
3 shall deliver to the judges of election in each precinct the
4 list of registered voters in that precinct to whom vote by mail
5 ballots have been issued by mail.

6 Each election authority shall maintain a list for each
7 election of voters to whom it has issued temporarily absent
8 student ballots. The list shall be maintained for each election
9 jurisdiction within which such voters temporarily abide.
10 Immediately after the close of the period during which
11 application may be made by mail or electronic means for vote by
12 mail ballots, each election authority shall mail to each other
13 election authority within the State a certified list of all
14 such voters temporarily abiding within the jurisdiction of the
15 other election authority.

16 In the event that the return address of an application for
17 ballot by a physically incapacitated elector is that of a
18 facility licensed or certified under the Nursing Home Care Act,
19 the Specialized Mental Health Rehabilitation Act of 2013, the
20 ID/DD Community Care Act, or the MC/DD Act, within the
21 jurisdiction of the election authority, and the applicant is a
22 registered voter in the precinct in which such facility is
23 located, the ballots shall be prepared and transmitted to a
24 responsible judge of election no later than 9 a.m. on the
25 Friday, Saturday, Sunday, or Monday immediately preceding the
26 election as designated by the election authority under Section

1 19-12.2. Such judge shall deliver in person on the designated
2 day the ballot to the applicant on the premises of the facility
3 from which application was made. The election authority shall
4 by mail notify the applicant in such facility that the ballot
5 will be delivered by a judge of election on the designated day.

6 All applications for vote by mail ballots shall be
7 available at the office of the election authority for public
8 inspection upon request from the time of receipt thereof by the
9 election authority until 30 days after the election, except
10 during the time such applications are kept in the office of the
11 election authority pursuant to Section 19-7, and except during
12 the time such applications are in the possession of the judges
13 of election.

14 (Source: P.A. 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
15 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15; 99-180, eff.
16 7-29-15; 99-522, eff. 6-30-16.)

17 (10 ILCS 5/19-4.5 new)

18 Sec. 19-4.5. Primary ballots.

19 (a) A person entitled to vote by absentee ballot at a
20 primary shall not be required to declare his or her political
21 party affiliation and shall be provided with the ballots of all
22 established political parties nominating candidates for
23 offices for which the absentee voter is entitled to vote at
24 that primary. That absentee voter may mark, cast, and have
25 counted the primary ballot of only one established political

1 party, except that he or she may mark, cast, and have counted
2 the primary ballots of a statewide established political party
3 and a local political party established only within a political
4 subdivision as provided in subsection (b) of Section 7-44.

5 (b) With respect to the marking, casting, and counting of
6 primary ballots, absentee voting shall be conducted in
7 accordance with Sections 7-43 and 7-44 of this Code as well as
8 the provisions of this Article.

9 (c) When voting absentee at a primary by means other than
10 in-person absentee voting, the voter shall be instructed to
11 discard or otherwise destroy any ballots of political parties
12 that the voter does not intend to cast. Such a discarded or
13 destroyed ballot or ballots is not the ballot or ballots the
14 voter agreed in the absentee ballot application to return to
15 the election authority.

16 If a voter subject to this subsection (c) returns to the
17 election authority the ballot of more than one established
18 political party, the judges of election shall determine which
19 votes to count as provided in subsection (b) of Section 7-44.

20 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

21 Sec. 19-5. It shall be the duty of the election authority
22 to fold the ballot or ballots in the manner specified by the
23 statute for folding ballots prior to their deposit in the
24 ballot box, and to enclose such ballot or ballots in an
25 envelope unsealed to be furnished by him, which envelope shall

1 bear upon the face thereof the name, official title and post
2 office address of the election authority, and upon the other
3 side a printed certification in substantially the following
4 form:

5 I state that I am a resident of the precinct of the
6 (1) *township of (2) *City of or (3) *.... ward in
7 the city of residing at in such city or town in the
8 county of and State of Illinois, that I have lived at such
9 address for months last past; and that I am lawfully
10 entitled to vote in such precinct at the election to be
11 held on

12 *fill in either (1), (2) or (3).

13 I further state that I personally marked the enclosed
14 ballot in secret.

15 Under penalties of perjury as provided by law pursuant to
16 Section 29-10 of The Election Code, the undersigned certifies
17 that the statements set forth in this certification are true
18 and correct.

19

20 If the ballot is to go to an elector who is physically
21 incapacitated and needs assistance marking the ballot, the
22 envelope shall bear upon the back thereof a certification in
23 substantially the following form:

24 I state that I am a resident of the precinct of the
25 (1) *township of (2) *City of or (3) *.... ward in
26 the city of residing at in such city or town in the

1 county of and State of Illinois, that I have lived at such
 2 address for months last past; that I am lawfully entitled
 3 to vote in such precinct at the election to be held on
 4; that I am physically incapable of personally marking the
 5 ballot for such election.

6 *fill in either (1), (2) or (3).

7 I further state that I marked the enclosed ballot in secret
 8 with the assistance of

9

10 (Individual rendering assistance)

11

12 (Residence Address)

13 Under penalties of perjury as provided by law pursuant to
 14 Section 29-10 of The Election Code, the undersigned certifies
 15 that the statements set forth in this certification are true
 16 and correct.

17

18 In the case of a voter with a physical incapacity, marking
 19 a ballot in secret includes marking a ballot with the
 20 assistance of another individual, other than a candidate whose
 21 name appears on the ballot (unless the voter is the spouse or a
 22 parent, child, brother, or sister of the candidate), the
 23 voter's employer, an agent of that employer, or an officer or
 24 agent of the voter's union, when the voter's physical
 25 incapacity necessitates such assistance.

26 In the case of a physically incapacitated voter, marking a

1 ballot in secret includes marking a ballot with the assistance
2 of another individual, other than a candidate whose name
3 appears on the ballot (unless the voter is the spouse or a
4 parent, child, brother, or sister of the candidate), the
5 voter's employer, an agent of that employer, or an officer or
6 agent of the voter's union, when the voter's physical
7 incapacity necessitates such assistance.

8 ~~Provided, that if the ballot enclosed is to be voted at a~~
9 ~~primary election, the certification shall designate the name of~~
10 ~~the political party with which the voter is affiliated.~~

11 In addition to the above, the election authority shall
12 provide printed slips giving full instructions regarding the
13 manner of marking and returning the ballot in order that the
14 same may be counted, and shall furnish one of such printed
15 slips to each of such applicants at the same time the ballot is
16 delivered to him. Such instructions shall include the following
17 statement: "In signing the certification on the vote by mail
18 ballot envelope, you are attesting that you personally marked
19 this vote by mail ballot in secret. If you are physically
20 unable to mark the ballot, a friend or relative may assist you
21 after completing the enclosed affidavit. Federal and State laws
22 prohibit a candidate whose name appears on the ballot (unless
23 you are the spouse or a parent, child, brother, or sister of
24 the candidate), your employer, your employer's agent or an
25 officer or agent of your union from assisting voters with
26 physical disabilities."

1 In addition to the above, if a ballot to be provided to an
2 elector pursuant to this Section contains a public question
3 described in subsection (b) of Section 28-6 and the territory
4 concerning which the question is to be submitted is not
5 described on the ballot due to the space limitations of such
6 ballot, the election authority shall provide a printed copy of
7 a notice of the public question, which shall include a
8 description of the territory in the manner required by Section
9 16-7. The notice shall be furnished to the elector at the same
10 time the ballot is delivered to the elector.

11 (Source: P.A. 98-1171, eff. 6-1-15; 99-143, eff. 7-27-15.)

12 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

13 Sec. 19-8. Time and place of counting ballots.

14 (a) (Blank.)

15 (b) Each vote by mail voter's ballot returned to an
16 election authority, by any means authorized by this Article,
17 and received by that election authority before the closing of
18 the polls on election day shall be endorsed by the receiving
19 election authority with the day and hour of receipt and may be
20 processed by the election authority beginning on the day it is
21 received by the election authority in the central ballot
22 counting location of the election authority, but the results of
23 the processing may not be counted until the day of the election
24 after 7:00 p.m., except as provided in subsections (g) and
25 (g-5).

1 (c) Each vote by mail voter's ballot that is mailed to an
2 election authority and postmarked no later than election day,
3 but that is received by the election authority after the polls
4 close on election day and before the close of the period for
5 counting provisional ballots cast at that election, shall be
6 endorsed by the receiving authority with the day and hour of
7 receipt and shall be counted at the central ballot counting
8 location of the election authority during the period for
9 counting provisional ballots.

10 Each vote by mail voter's ballot that is mailed to an
11 election authority absent a postmark or a barcode usable with
12 an intelligent mail barcode tracking system, but that is
13 received by the election authority after the polls close on
14 election day and before the close of the period for counting
15 provisional ballots cast at that election, shall be endorsed by
16 the receiving authority with the day and hour of receipt,
17 opened to inspect the date inserted on the certification, and,
18 if the certification date is election day or earlier and the
19 ballot is otherwise found to be valid under the requirements of
20 this Section, counted at the central ballot counting location
21 of the election authority during the period for counting
22 provisional ballots. Absent a date on the certification, the
23 ballot shall not be counted.

24 If an election authority is using an intelligent mail
25 barcode tracking system, a ballot that is mailed to an election
26 authority absent a postmark may be counted if the intelligent

1 mail barcode tracking system verifies the envelope was mailed
2 no later than election day.

3 (d) Special write-in vote by mail voter's blank ballots
4 returned to an election authority, by any means authorized by
5 this Article, and received by the election authority at any
6 time before the closing of the polls on election day shall be
7 endorsed by the receiving election authority with the day and
8 hour of receipt and shall be counted at the central ballot
9 counting location of the election authority during the same
10 period provided for counting vote by mail voters' ballots under
11 subsections (b), (g), and (g-5). Special write-in vote by mail
12 voter's blank ballots that are mailed to an election authority
13 and postmarked no later than election day, but that are
14 received by the election authority after the polls close on
15 election day and before the closing of the period for counting
16 provisional ballots cast at that election, shall be endorsed by
17 the receiving authority with the day and hour of receipt and
18 shall be counted at the central ballot counting location of the
19 election authority during the same periods provided for
20 counting vote by mail voters' ballots under subsection (c).

21 (e) Except as otherwise provided in this Section, vote by
22 mail voters' ballots and special write-in vote by mail voter's
23 blank ballots received by the election authority after the
24 closing of the polls on an election day shall be endorsed by
25 the election authority receiving them with the day and hour of
26 receipt and shall be safely kept unopened by the election

1 authority for the period of time required for the preservation
2 of ballots used at the election, and shall then, without being
3 opened, be destroyed in like manner as the used ballots of that
4 election.

5 (f) Counting required under this Section to begin on
6 election day after the closing of the polls shall commence no
7 later than 8:00 p.m. and shall be conducted by a panel or
8 panels of election judges appointed in the manner provided by
9 law. The counting shall continue until all vote by mail voters'
10 ballots and special write-in vote by mail voter's blank ballots
11 required to be counted on election day have been counted.

12 (g) The procedures set forth in Articles 17 and 18 and,
13 with respect to primaries, in Section 19-4.5 of this Code shall
14 apply to all ballots counted under this Section. In addition,
15 within 2 days after a vote by mail ballot is received, but in
16 all cases before the close of the period for counting
17 provisional ballots, the election judge or official shall
18 compare the voter's signature on the certification envelope of
19 that vote by mail ballot with the signature of the voter on
20 file in the office of the election authority. If the election
21 judge or official determines that the 2 signatures match, and
22 that the vote by mail voter is otherwise qualified to cast a
23 vote by mail ballot, the election authority shall cast and
24 count the ballot on election day or the day the ballot is
25 determined to be valid, whichever is later, adding the results
26 to the precinct in which the voter is registered. If the

1 election judge or official determines that the signatures do
2 not match, or that the vote by mail voter is not qualified to
3 cast a vote by mail ballot, then without opening the
4 certification envelope, the judge or official shall mark across
5 the face of the certification envelope the word "Rejected" and
6 shall not cast or count the ballot.

7 In addition to the voter's signatures not matching, a vote
8 by mail ballot may be rejected by the election judge or
9 official:

10 (1) if the ballot envelope is open or has been opened
11 and resealed;

12 (2) if the voter has already cast an early or grace
13 period ballot;

14 (3) if the voter voted in person on election day or the
15 voter is not a duly registered voter in the precinct; or

16 (4) on any other basis set forth in this Code.

17 If the election judge or official determines that any of
18 these reasons apply, the judge or official shall mark across
19 the face of the certification envelope the word "Rejected" and
20 shall not cast or count the ballot.

21 (g-5) If a vote by mail ballot is rejected by the election
22 judge or official for any reason, the election authority shall,
23 within 2 days after the rejection but in all cases before the
24 close of the period for counting provisional ballots, notify
25 the vote by mail voter that his or her ballot was rejected. The
26 notice shall inform the voter of the reason or reasons the

1 ballot was rejected and shall state that the voter may appear
2 before the election authority, on or before the 14th day after
3 the election, to show cause as to why the ballot should not be
4 rejected. The voter may present evidence to the election
5 authority supporting his or her contention that the ballot
6 should be counted. The election authority shall appoint a panel
7 of 3 election judges to review the contested ballot,
8 application, and certification envelope, as well as any
9 evidence submitted by the vote by mail voter. No more than 2
10 election judges on the reviewing panel shall be of the same
11 political party. The reviewing panel of election judges shall
12 make a final determination as to the validity of the contested
13 vote by mail ballot. The judges' determination shall not be
14 reviewable either administratively or judicially.

15 A vote by mail ballot subject to this subsection that is
16 determined to be valid shall be counted before the close of the
17 period for counting provisional ballots.

18 (g-10) All vote by mail ballots determined to be valid
19 shall be added to the vote totals for the precincts for which
20 they were cast in the order in which the ballots were opened.

21 (h) Each political party, candidate, and qualified civic
22 organization shall be entitled to have present one pollwatcher
23 for each panel of election judges therein assigned.

24 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

25 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

1 Sec. 19-12.1. Any qualified elector who has secured an
2 Illinois Person with a Disability Identification Card in
3 accordance with the Illinois Identification Card Act,
4 indicating that the person named thereon has a Class 1A or
5 Class 2 disability or any qualified voter who has a permanent
6 physical incapacity of such a nature as to make it improbable
7 that he will be able to be present at the polls at any future
8 election, or any voter who is a resident of (i) a federally
9 operated veterans' home, hospital, or facility located in
10 Illinois or (ii) a facility licensed or certified pursuant to
11 the Nursing Home Care Act, the Specialized Mental Health
12 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
13 the MC/DD Act and has a condition or disability of such a
14 nature as to make it improbable that he will be able to be
15 present at the polls at any future election, may secure a
16 voter's identification card for persons with disabilities or a
17 nursing home resident's identification card, which will enable
18 him to vote under this Article as a physically incapacitated or
19 nursing home voter. For the purposes of this Section,
20 "federally operated veterans' home, hospital, or facility"
21 means the long-term care facilities at the Jesse Brown VA
22 Medical Center, Illiana Health Care System, Edward Hines, Jr.
23 VA Hospital, Marion VA Medical Center, and Captain James A.
24 Lovell Federal Health Care Center.

25 Application for a voter's identification card for persons
26 with disabilities or a nursing home resident's identification

1 card shall be made either: (a) in writing, with voter's sworn
2 affidavit, to the county clerk or board of election
3 commissioners, as the case may be, and shall be accompanied by
4 the affidavit of the attending physician, advanced practice
5 nurse, or a physician assistant specifically describing the
6 nature of the physical incapacity or the fact that the voter is
7 a nursing home resident and is physically unable to be present
8 at the polls on election days; or (b) by presenting, in writing
9 or otherwise, to the county clerk or board of election
10 commissioners, as the case may be, proof that the applicant has
11 secured an Illinois Person with a Disability Identification
12 Card indicating that the person named thereon has a Class 1A or
13 Class 2 disability. Upon the receipt of either the sworn-to
14 application and the physician's, advanced practice nurse's, or
15 a physician assistant's affidavit or proof that the applicant
16 has secured an Illinois Person with a Disability Identification
17 Card indicating that the person named thereon has a Class 1A or
18 Class 2 disability, the county clerk or board of election
19 commissioners shall issue a voter's identification card for
20 persons with disabilities or a nursing home resident's
21 identification card. Such identification cards shall be issued
22 for a period of 5 years, upon the expiration of which time the
23 voter may secure a new card by making application in the same
24 manner as is prescribed for the issuance of an original card,
25 accompanied by a new affidavit of the attending physician,
26 advanced practice nurse, or a physician assistant. The date of

1 expiration of such five-year period shall be made known to any
2 interested person by the election authority upon the request of
3 such person. Applications for the renewal of the identification
4 cards shall be mailed to the voters holding such cards not less
5 than 3 months prior to the date of expiration of the cards.

6 Each voter's identification card for persons with
7 disabilities or nursing home resident's identification card
8 shall bear an identification number, which shall be clearly
9 noted on the voter's original and duplicate registration record
10 cards. In the event the holder becomes physically capable of
11 resuming normal voting, he must surrender his voter's
12 identification card for persons with disabilities or nursing
13 home resident's identification card to the county clerk or
14 board of election commissioners before the next election.

15 The holder of a voter's identification card for persons
16 with disabilities or a nursing home resident's identification
17 card may make application by mail for an official ballot within
18 the time prescribed by Section 19-2. Such application shall
19 contain the same information as is included in the form of
20 application for ballot by a physically incapacitated elector
21 prescribed in Section 19-3 except that it shall also include
22 the applicant's voter's identification card for persons with
23 disabilities card number and except that it need not be sworn
24 to. If an examination of the records discloses that the
25 applicant is lawfully entitled to vote, he shall be mailed a
26 ballot or ballots as provided in Section 19-4 and, if

1 applicable, Section 19-4.5. The ballot envelope shall be the
2 same as that prescribed in Section 19-5 for voters with
3 physical disabilities, and the manner of voting and returning
4 the ballot shall be the same as that provided in this Article
5 for other vote by mail ballots, except that a statement to be
6 subscribed to by the voter but which need not be sworn to shall
7 be placed on the ballot envelope in lieu of the affidavit
8 prescribed by Section 19-5.

9 Any person who knowingly subscribes to a false statement in
10 connection with voting under this Section shall be guilty of a
11 Class A misdemeanor.

12 For the purposes of this Section, "nursing home resident"
13 includes a resident of (i) a federally operated veterans' home,
14 hospital, or facility located in Illinois or (ii) a facility
15 licensed under the ID/DD Community Care Act, the MC/DD Act, or
16 the Specialized Mental Health Rehabilitation Act of 2013. For
17 the purposes of this Section, "federally operated veterans'
18 home, hospital, or facility" means the long-term care
19 facilities at the Jesse Brown VA Medical Center, Illiana Health
20 Care System, Edward Hines, Jr. VA Hospital, Marion VA Medical
21 Center, and Captain James A. Lovell Federal Health Care Center.
22 (Source: P.A. 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15;
23 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-581, eff.
24 1-1-17; 99-642, eff. 6-28-16.)

1 Sec. 20-3. The election authority shall furnish the
 2 following applications for registration by mail or vote by mail
 3 ballot which shall be considered a method of application in
 4 lieu of the official postcard.

5 1. Members of the United States Service, citizens of the
 6 United States temporarily residing outside the territorial
 7 limits of the United States, and certified program participants
 8 under the Address Confidentiality for Victims of Domestic
 9 Violence Act may make application within the periods prescribed
 10 in Sections 20-2 or 20-2.1, as the case may be. Such
 11 application shall be substantially in the following form:

12 "APPLICATION FOR BALLOT

13 To be voted at the election in the precinct in
 14 which is located my residence at, in the
 15 city/village/township of(insert home address)
 16 County of and State of Illinois.

17 I state that I am a citizen of the United States; that on
 18 (insert date of election) I shall have resided in the State of
 19 Illinois and in the election precinct for 30 days; that on the
 20 above date I shall be the age of 18 years or above; that I am
 21 lawfully entitled to vote in such precinct at that election;
 22 that I am (check category 1, 2, or 3 below):

- 23 1. () a member of the United States Service,
 24 2. () a citizen of the United States temporarily residing
 25 outside the territorial limits of the United States and that I
 26 expect to be absent from the said county of my residence on the

1 date of holding such election, and that I will have no
2 opportunity to vote in person on that day.

3 3. () a certified program participant under the Address
4 Confidentiality for Victims of Domestic Violence Act.

5 I hereby make application for an official ballot or ballots
6 to be voted by me at such election if I am absent from the said
7 county of my residence, and I agree that I shall return said
8 ballot or ballots to the election authority postmarked no later
9 than election day, for counting no later than during the period
10 for counting provisional ballots, the last day of which is the
11 14th day following election day or shall destroy said ballot or
12 ballots.

13 (Check below only if category 2 or 3 and not previously
14 registered)

15 () I hereby make application to become registered as a
16 voter and agree to return the forms and affidavits for
17 registration to the election authority not later than 30 days
18 before the election.

19 Under penalties as provided by law pursuant to Article 29
20 of the Election Code, the undersigned certifies that the
21 statements set forth in this application are true and correct.

22

23 Post office address or service address to which
24 registration materials or ballot should be mailed

25

26

1"

2"

3 ~~If application is made for a primary election ballot, such~~
4 ~~application shall designate the name of the political party~~
5 ~~with which the applicant is affiliated.~~

6 Such applications may be obtained from the election
7 authority having jurisdiction over the person's precinct of
8 residence.

9 2. A spouse or dependent of a member of the United States
10 Service, said spouse or dependent being a registered voter in
11 the county, may make application on behalf of said person in
12 the office of the election authority within the periods
13 prescribed in Section 20-2 which shall be substantially in the
14 following form:

15 "APPLICATION FOR BALLOT to be voted at the..... election
16 in the precinct in which is located the residence of the person
17 for whom this application is made at.....(insert
18 residence address) in the city/village/township of.....
19 County of..... and State of Illinois.

20 I certify that the following named person.....
21 (insert name of person) is a member of the United States
22 Service.

23 I state that said person is a citizen of the United States;
24 that on (insert date of election) said person shall have
25 resided in the State of Illinois and in the election precinct
26 for which this application is made for 30 days; that on the

1 above date said person shall be the age of 18 years or above;
 2 that said person is lawfully entitled to vote in such precinct
 3 at that election; that said person is a member of the United
 4 States Service, and that in the course of his duties said
 5 person expects to be absent from his county of residence on the
 6 date of holding such election, and that said person will have
 7 no opportunity to vote in person on that day.

8 I hereby make application for an official ballot or ballots
 9 to be voted by said person at such election and said person
 10 agrees that he shall return said ballot or ballots to the
 11 election authority postmarked no later than election day, for
 12 counting no later than during the period for counting
 13 provisional ballots, the last day of which is the 14th day
 14 following election day, or shall destroy said ballot or
 15 ballots.

16 I hereby certify that I am the (mother, father, sister,
 17 brother, husband or wife) of the said elector, and that I am a
 18 registered voter in the election precinct for which this
 19 application is made. (Strike all but one that is applicable.)

20 Under penalties as provided by law pursuant to Article 29
 21 of The Election Code, the undersigned certifies that the
 22 statements set forth in this application are true and correct.

23 Name of applicant

24 Residence address

25 City/village/township.....

26 Service address to which ballot should be mailed:

1
 2
 3
 4"

5 ~~If application is made for a primary election ballot, such~~
 6 ~~application shall designate the name of the political party~~
 7 ~~with which the person for whom application is made is~~
 8 ~~affiliated.~~

9 Such applications may be obtained from the election
 10 authority having jurisdiction over the voting precinct in which
 11 the person for whom application is made is entitled to vote.

12 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

13 (10 ILCS 5/20-4.5 new)

14 Sec. 20-4.5. Primary ballots.

15 (a) A person entitled to vote by absentee ballot at a
 16 primary shall not be required to declare his or her political
 17 party affiliation and shall be provided with the ballots of all
 18 established political parties nominating candidates for
 19 offices for which the absentee voter is entitled to vote at
 20 that primary. That absentee voter may mark, cast, and have
 21 counted the primary ballot of only one established political
 22 party, except that he or she may mark, cost, and have counted
 23 the primary ballots of a statewide established political party
 24 and a local political party established only within a political
 25 subdivision as provided in subsection (b) of Section 7-44.

1 (b) With respect to the marking, casting, and counting of
2 primary ballots, absentee voting shall be conducted in
3 accordance with Sections 7-43 and 7-44 of this Code as well as
4 the provisions of this Article.

5 (c) When voting absentee at a primary, the voter shall be
6 instructed to discard or otherwise destroy any ballots of
7 political parties that the voter does not intend to cast. Such
8 a discarded or destroyed ballot or ballots is not the ballot or
9 ballots the voter agreed in the absentee ballot application to
10 return to the election authority.

11 If a voter subject to this subsection returns to the
12 election authority the ballot of more than one established
13 political party, the judges of election shall determine which
14 votes to count as provided in subsection (b) of Section 7-44.

15 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

16 Sec. 20-5. The election authority shall fold the ballot or
17 ballots in the manner specified by the statute for folding
18 ballots prior to their deposit in the ballot box and shall
19 enclose such ballot in an envelope unsealed to be furnished by
20 it, which envelope shall bear upon the face thereof the name,
21 official title and post office address of the election
22 authority, and upon the other side of such envelope there shall
23 be printed a certification in substantially the following form:

24 "CERTIFICATION

25 I state that I am a resident/former resident of the

1 precinct of the city/village/township of,
 2 (Designation to be made by Election Authority) or of the
 3 ward in the city of (Designation to be made by
 4 Election Authority) residing at in said
 5 city/village/township in the county of and State of
 6 Illinois; that I am a

- 7 1. () member of the United States Service
- 8 2. () citizen of the United States temporarily residing
- 9 outside the territorial limits of the United States
- 10 3. () nonresident civilian citizen

11 and desire to cast the enclosed ballot pursuant to Article 20
 12 of the ~~The~~ Election Code; that I am lawfully entitled to vote
 13 in such precinct at the election to be held on
 14

15 I further state that I marked the enclosed ballot in
 16 secret.

17 Under penalties as provided by law pursuant to Article 29
 18 of the ~~The~~ Election Code, the undersigned certifies that the
 19 statements set forth in this certification are true and
 20 correct.

21 (Name)
 22
 23 (Service Address)
 24
 25
 26

1 ~~If the ballot enclosed is to be voted at a primary~~
2 ~~election, the certification shall designate the name of the~~
3 ~~political party with which the voter is affiliated.~~

4 In addition to the above, the election authority shall
5 provide printed slips giving full instructions regarding the
6 manner of completing the forms and affidavits for registration
7 by mail or the manner of marking and returning the ballot in
8 order that the same may be counted, and shall furnish one of
9 the printed slips to each of the applicants at the same time
10 the registration materials or ballot is delivered to him.

11 In addition to the above, if a ballot to be provided to an
12 elector pursuant to this Section contains a public question
13 described in subsection (b) of Section 28-6 and the territory
14 concerning which the question is to be submitted is not
15 described on the ballot due to the space limitations of such
16 ballot, the election authority shall provide a printed copy of
17 a notice of the public question, which shall include a
18 description of the territory in the manner required by Section
19 16-7. The notice shall be furnished to the elector at the same
20 time the ballot is delivered to the elector.

21 The envelope in which such registration or such ballot is
22 mailed to the voter as well as the envelope in which the
23 registration materials or the ballot is returned by the voter
24 shall have printed across the face thereof two parallel
25 horizontal red bars, each one-quarter inch wide, extending from
26 one side of the envelope to the other side, with an intervening

1 space of one-quarter inch, the top bar to be one and
2 one-quarter inches from the top of the envelope, and with the
3 words "Official Election Balloting Material-VIA AIR MAIL"
4 between the bars. In the upper right corner of such envelope in
5 a box, there shall be printed the words: "U.S. Postage Paid 42
6 USC 1973". All printing on the face of such envelopes shall be
7 in red, including an appropriate inscription or blank in the
8 upper left corner of return address of sender.

9 The envelope in which the ballot is returned to the
10 election authority may be delivered (i) by mail, postage paid,
11 (ii) in person, by the spouse, parent, child, brother, or
12 sister of the voter, or (iii) by a company engaged in the
13 business of making deliveries of property and licensed as a
14 motor carrier of property by the Illinois Commerce Commission
15 under the Illinois Commercial Transportation Law.

16 Election authorities transmitting ballots by facsimile or
17 electronic transmission shall, to the extent possible, provide
18 those applicants with the same instructions, certification,
19 and other materials required when sending by mail.

20 (Source: P.A. 98-1171, eff. 6-1-15; revised 10-25-16.)

21 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

22 Sec. 20-8. Time and place of counting ballots.

23 (a) (Blank.)

24 (b) Each vote by mail voter's ballot returned to an
25 election authority, by any means authorized by this Article,

1 and received by that election authority may be processed by the
2 election authority beginning on the day it is received by the
3 election authority in the central ballot counting location of
4 the election authority, but the results of the processing may
5 not be counted until the day of the election after 7:00 p.m.,
6 except as provided in subsections (g) and (g-5).

7 (c) Each vote by mail voter's ballot that is mailed to an
8 election authority and postmarked no later than election day,
9 but that is received by the election authority after the polls
10 close on election day and before the close of the period for
11 counting provisional ballots cast at that election, shall be
12 endorsed by the receiving authority with the day and hour of
13 receipt and shall be counted at the central ballot counting
14 location of the election authority during the period for
15 counting provisional ballots.

16 Each vote by mail voter's ballot that is mailed to an
17 election authority absent a postmark or a barcode usable with
18 an intelligent mail barcode tracking system, but that is
19 received by the election authority after the polls close on
20 election day and before the close of the period for counting
21 provisional ballots cast at that election, shall be endorsed by
22 the receiving authority with the day and hour of receipt,
23 opened to inspect the date inserted on the certification, and,
24 if the certification date is election day or earlier and the
25 ballot is otherwise found to be valid under the requirements of
26 this Section, counted at the central ballot counting location

1 of the election authority during the period for counting
2 provisional ballots. Absent a date on the certification, the
3 ballot shall not be counted.

4 If an election authority is using an intelligent mail
5 barcode tracking system, a ballot that is mailed to an election
6 authority absent a postmark may be counted if the intelligent
7 mail barcode tracking system verifies the envelope was mailed
8 no later than election day.

9 (d) Special write-in vote by mail voter's blank ballots
10 returned to an election authority, by any means authorized by
11 this Article, and received by the election authority at any
12 time before the closing of the polls on election day shall be
13 endorsed by the receiving election authority with the day and
14 hour of receipt and shall be counted at the central ballot
15 counting location of the election authority during the same
16 period provided for counting vote by mail voters' ballots under
17 subsections (b), (g), and (g-5). Special write-in vote by mail
18 voter's blank ballot that are mailed to an election authority
19 and postmarked no later than election day, but that are
20 received by the election authority after the polls close on
21 election day and before the closing of the period for counting
22 provisional ballots cast at that election, shall be endorsed by
23 the receiving authority with the day and hour of receipt and
24 shall be counted at the central ballot counting location of the
25 election authority during the same periods provided for
26 counting vote by mail voters' ballots under subsection (c).

1 (e) Except as otherwise provided in this Section, vote by
2 mail voters' ballots and special write-in vote by mail voter's
3 blank ballots received by the election authority after the
4 closing of the polls on the day of election shall be endorsed
5 by the person receiving the ballots with the day and hour of
6 receipt and shall be safely kept unopened by the election
7 authority for the period of time required for the preservation
8 of ballots used at the election, and shall then, without being
9 opened, be destroyed in like manner as the used ballots of that
10 election.

11 (f) Counting required under this Section to begin on
12 election day after the closing of the polls shall commence no
13 later than 8:00 p.m. and shall be conducted by a panel or
14 panels of election judges appointed in the manner provided by
15 law. The counting shall continue until all vote by mail voters'
16 ballots and special write-in vote by mail voter's blank ballots
17 required to be counted on election day have been counted.

18 (g) The procedures set forth in Articles 17 and 18 and,
19 with respect to primaries, in Section 20-4.5 of this Code shall
20 apply to all ballots counted under this Section. In addition,
21 within 2 days after a ballot subject to this Article is
22 received, but in all cases before the close of the period for
23 counting provisional ballots, the election judge or official
24 shall compare the voter's signature on the certification
25 envelope of that ballot with the signature of the voter on file
26 in the office of the election authority. If the election judge

1 or official determines that the 2 signatures match, and that
2 the voter is otherwise qualified to cast a ballot under this
3 Article, the election authority shall cast and count the ballot
4 on election day or the day the ballot is determined to be
5 valid, whichever is later, adding the results to the precinct
6 in which the voter is registered. If the election judge or
7 official determines that the signatures do not match, or that
8 the voter is not qualified to cast a ballot under this Article,
9 then without opening the certification envelope, the judge or
10 official shall mark across the face of the certification
11 envelope the word "Rejected" and shall not cast or count the
12 ballot.

13 In addition to the voter's signatures not matching, a
14 ballot subject to this Article may be rejected by the election
15 judge or official:

16 (1) if the ballot envelope is open or has been opened
17 and resealed;

18 (2) if the voter has already cast an early or grace
19 period ballot;

20 (3) if the voter voted in person on election day or the
21 voter is not a duly registered voter in the precinct; or

22 (4) on any other basis set forth in this Code.

23 If the election judge or official determines that any of
24 these reasons apply, the judge or official shall mark across
25 the face of the certification envelope the word "Rejected" and
26 shall not cast or count the ballot.

1 (g-5) If a ballot subject to this Article is rejected by
2 the election judge or official for any reason, the election
3 authority shall, within 2 days after the rejection but in all
4 cases before the close of the period for counting provisional
5 ballots, notify the voter that his or her ballot was rejected.
6 The notice shall inform the voter of the reason or reasons the
7 ballot was rejected and shall state that the voter may appear
8 before the election authority, on or before the 14th day after
9 the election, to show cause as to why the ballot should not be
10 rejected. The voter may present evidence to the election
11 authority supporting his or her contention that the ballot
12 should be counted. The election authority shall appoint a panel
13 of 3 election judges to review the contested ballot,
14 application, and certification envelope, as well as any
15 evidence submitted by the vote by mail voter. No more than 2
16 election judges on the reviewing panel shall be of the same
17 political party. The reviewing panel of election judges shall
18 make a final determination as to the validity of the contested
19 ballot. The judges' determination shall not be reviewable
20 either administratively or judicially.

21 A ballot subject to this subsection that is determined to
22 be valid shall be counted before the close of the period for
23 counting provisional ballots.

24 (g-10) All ballots determined to be valid shall be added to
25 the vote totals for the precincts for which they were cast in
26 the order in which the ballots were opened.

1 (h) Each political party, candidate, and qualified civic
2 organization shall be entitled to have present one pollwatcher
3 for each panel of election judges therein assigned.

4 (Source: P.A. 98-1171, eff. 6-1-15; 99-522, eff. 6-30-16.)

5 (10 ILCS 5/19-2.1 rep.)

6 Section 10. The Election Code is amended by repealing
7 Section 19-2.1.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.